

Jasper County court-at-law
(HB 1673 by Soileau/Haley)

DIGEST: HB 1673 would have created a county court-at-law in Jasper County. The court would have shared jurisdiction with district courts in all criminal matters and in civil controversies of more than \$500 and no more than \$25,000. The judge would have been paid at least \$14,000. The court would have been created on Jan. 1, 1991 or an earlier date determined by the county commissioners court.

GOVERNOR'S
REASON
FOR VETO:

General felony criminal jurisdiction has been vested by the Legislature in the district courts of this state and not in statutory county courts or constitutional county courts. This derives from the philosophy that individuals whose punishment can include incarceration within the state correctional system should be subject to state courts. As district courts are state-funded and vacancies are subject to the appointive powers of state officials, including the Texas Senate, all felony prosecutions should continue to fall solely and exclusively within the purview of these courts.

RESPONSE:

Rep. Curtis Soileau, the author of HB 1673, said the governor should have sought changes while this local bill was being considered in the Legislature. Jasper County was willing to accept financial responsibility to relieve both the civil and criminal dockets of district courts by creating a county court-at-law at far less expense than creation of a state district court. "Under the governor's philosophy we're being somewhat hypocritical," Rep. Soileau said. "We're telling county government that jurisdiction of criminal cases should be exclusively under the state district courts, but we're requiring counties to house state prisoners due to overcrowding."

NOTES:

HB 1673 was considered on the Consent Calendar and was not analyzed in a Daily Floor Report.